

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CASAS, BENJAMIN & WHITE, LLC

Plaintiff,

v.

Docket No: 1:04-CV-12333-MEL

THE POINTE GROUP, INC., a
Massachusetts corporation d/b/a The Pointe
Group Healthcare and Senior Living;
GERALD S. FREID; BARRY FREID; KEY
CORPORATE CAPITAL, INC.,

Defendants.

DEFENDANT KEY CORPORATE CAPITAL, INC.'S
MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM OF LAW

Defendant Key Corporate Capital, Inc. ("KeyBank") hereby moves this Court for leave to file its Reply Brief in Support of Key Corporate Capital Inc.'s Motion to Dismiss, which is attached hereto as Exhibit 1. As grounds for this Motion, Defendant KeyBank states:

1. Plaintiff Casas, Benjamin & White, LLC ("Casas") filed an Opposition to KeyBank's Motion to Dismiss on January 7, 2005.

2. KeyBank brings this Motion for Leave to Reply to CBW's Opposition so that it may have an opportunity to respond to certain facts and conclusions represented by CBW in its opposition.

3. CBW assents to the filing of this Reply.

WHEREFORE, KeyBank respectfully requests that the Court allow KeyBank's Motion for Leave to Reply to Plaintiff's Opposition to Defendant KeyBank's Motion to Dismiss.

Dated: January 19, 2005

Respectfully submitted,

KEY CORPORATE CAPITAL, INC.

By its attorneys

NIXON PEABODY LLP

/s/W. Scott O'Connell

W. Scott O'Connell (#559669)

Courtney Worcester (#643180)

889 Elm Street

Manchester, NH 03101

(603) 628-4000

soconnell@nixonpeabody.com

cworcester@nixonpeabody.com

CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2005, a copy of the foregoing, was filed electronically. Notice of this filing will be sent to all parties in this case by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/Courtney Worcester

Courtney Worcester